

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14883, of Philanthropic Learning Community Education, pursuant to 11 DCMR 3108.1, for a special exception under Section 205 to establish a child development center for sixty children, ages two to six years and a staff of eight persons, in the basement through the second floor in an R-4 District at premises 414 R Street, N.W., (Square E-509, Lot 81).

HEARING DATE: October 26, 1988
DECISION DATE: November 2, 1988

FINDINGS OF FACT:

1. The property is located at the southeast corner of the intersection of New Jersey Avenue and R Street and is known as premises 414 R Street, N.W. It is zoned R-4.
2. The site has a frontage of 96.67 feet on R Street, an 11.01 foot depth on the ten foot public alley to the east, and a depth of 26.90 feet on New Jersey Avenue to the west.
3. The property is improved with a three-story and basement brick, semi-detached structure. The structure occupies 100 percent of the lot on which it is located.
4. The subject premises are currently occupied as a child development center for fifteen children which is permitted as a matter-of-right in the R-4 District.
5. The applicant proposes to expand the existing child development center to accommodate sixty children, aged two to six years, and eight staff.
6. The surrounding area to the north, south, east and west is characterized by residential row dwellings. Several of these dwellings are vacant and boarded or undergoing renovation. Approximately one block north of the site is a C-2-A commercial corridor running parallel to Rhode Island and Florida Avenues.
7. The proposed child development center would occupy the entire building and would provide day care, before and after school, and summer programs. The hours of operation would be from 7:00 A.M. to 7:00 P.M., Monday through Friday. The grassed area near New Jersey Avenue would be used for staggered play periods for small groups of children. In

addition, there are several nearby parks and school playgrounds which will be used for off-site recreation.

8. Access to the site is from R Street, New Jersey Avenue and the ten foot public alley to the east. There is restricted parking along the south side of R Street during the morning rush hour. There is no parking on New Jersey Avenue adjacent to the site due to the location of a Metrobus stop. There is unrestricted parking on the north side of R Street.

9. Drop-off of children occurs between the hours of 7:00 A.M. and 9:00 A.M. Pick-up of children occurs between 4:30 and 7:00 P.M. A staff member or volunteer will be available to escort children between vehicles and the facility. Children will be dropped off on the north side of R Street or on the public alley to the east of the site.

10. The site is directly accessible to three Metrobus routes, the 91, 96 and G-2 routes, and is convenient to routes leading to the Downtown Employment area. The majority of the children will come from the immediate area or will be dropped off by parents on their way to work in the Downtown area.

11. There are no other child development centers within 1,000 feet of the subject site.

12. By memorandum received on July 18, 1988, the Service Facility Regulation Administration, D.C. Department of Consumer and Regulatory Affairs indicated that the proposed facility can meet all licensing requirements set forth in Child Development Facilities Regulation 74-34 and D.C. Law 2-98 when all deficiencies have been corrected.

13. The Office of Planning (OP), by memorandum dated October 19, 1988, recommended that the application be approved. The OP was of the opinion that the proposed facility is strategically located and that the service provided is essential to the residential population, nearby schools, and nearby office employees. The OP was further of the opinion that the facility would not create objectionable impacts in terms of traffic, noise or other conditions.

14. The D.C. Department of Public Works (DPW), by memorandum dated October 3, 1988, was of the opinion that the facility could potentially disrupt traffic during the A.M. and P.M. peak periods as well as pose a safety hazard for children due to the lack of a pick-up and drop-off location for the children on the subject site. The DPW recommended that some off-street parking be provided so as not to adversely affect the neighborhood.

15. Advisory Neighborhood Commission (ANC) 2C, made no recommendation on the subject application.

16. The record contains several letters and a petition in support of the application. Several nearby residents testified at the public hearing in support of the application. The general basis for the support expressed was the grave need for day care service, in the community.

17. There was opposition to the granting of the application at the public hearing. The issues raised by the opposition generally related to the lack of on-site parking, the safety of children during drop-off and pick-up periods, and trash storage and pick-up. The Board finds that the concerns of the opposition can be ameliorated by the conditions hereinafter imposed.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate substantial compliance with the requirements of Sections 205 and 3108.1 of the Zoning Regulations. The Board concludes that the applicant has so complied. The proposed facility is capable of meeting all code and licensing requirements. There are no other child development centers within 1,000 feet of the subject site. As hereinafter conditioned, the use will not cause adverse effects or unsafe conditions related to traffic, parking or noise.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and, as hereinafter conditioned, will not tend to affect adversely the use of neighboring property in accordance with said regulations and map. It is therefore ORDERED, that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE (3) YEARS.
2. The hours of operation shall not exceed from 7:00 A.M. to 7:00 P.M., Monday through Friday.
3. The number of children shall not exceed sixty.
4. The number of staff shall not exceed seven.
5. The pick-up and drop-off of children shall occur in the public alley contiguous to the site. Children shall be escorted between vehicles and the facility by a staff member or volunteer during drop-off and pick-up periods.
6. Trash pick-up shall be by a private contractor and shall occur no less than three times per week.

7. Adequate trash containers shall be stored in the most secluded area on the site.
8. Two parking spaces shall be provided in the public space near the alley subject to approval by the Department of Public Works.

VOTE: 5-0 (Charles R. Norris, Maybelle Taylor Bennett, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 24 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14883order/LJP48

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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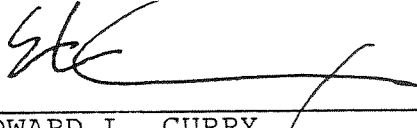


APPLICATION No. 14883

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 24 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Jacqueline Boddie
414 R Street, N.W.
D.C. 20001

Linda Wheeler
1620 3rd Street, N.W.
D.C. 20001


EDWARD L. CURRY
Executive Director

DATE: APR 24 1989

PS Form 3800, June 1985

U.S.G.P.O. 153-506

Postmark or Date		14883	
TOTAL Postage and Fees		\$	
Return Receipt showing to whom and Date Delivered			
Return Receipt showing to whom Date and Address of Delivery			
Restricted Delivery Fee			
Special Delivery Fee			
Certified Fee			
Postage		\$	
P.O., State and ZIP Code			
Street and No.		Sent to Linda Wheeler	

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

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